

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAMARKUS JEFFRIES,

Plaintiff,

vs.

Case No. 09-CV-13126
HON. GEORGE CARAM STEEH

JENNIFER PUTNAM-BUCK,

Defendant.

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Damarkus Jeffries is an inmate in the custody of the Michigan Department of Corrections. His complaint asserts claims of retaliation in violation of his First Amendment rights. This matter is before the court on defendant's motion for dismissal or summary judgment and plaintiff's motion for summary judgment. The Magistrate Judge issued a report and recommendation which recommends that this court grant defendant's motion, deny plaintiff's motion and dismiss plaintiff's complaint. The court has reviewed the file, record, and magistrate judge's report and recommendation. Objections to that report have been filed by plaintiff within the established time period and have been duly considered. The court accepts the magistrate judge's report and recommendation.

Plaintiff's first two objections are really statements of the legal standard to be applied to motions to dismiss and motions for summary judgment. The magistrate judge applied the correct standard in this case. Plaintiff's seventh objection merely states that he filed a response to defendant's motions, and that he filed a motion for summary judgment with supporting exhibits.

Plaintiffs third and fifth objections concern two of the elements of his retaliation cause of action, specifically that he engaged in protected conduct and that he suffered an adverse action. The magistrate judge found that the protected conduct prong has been met and that there is an issue of fact with regard to whether plaintiff suffered an adverse action. These findings are essentially in plaintiff's favor, and his "objections" merely reiterate what was previously argued before, and accepted by, the magistrate judge.

Plaintiff's fourth and sixth objections go to the magistrate judge's finding that plaintiff failed to establish a causal link for retaliation such that the adverse action was motivated at least in part by the protected conduct. In support of a causal connection, plaintiff submitted only his own affidavit as evidence. Other than his affidavit, there is no evidence to support plaintiff's theory that he was issued a major misconduct ticket for threatening defendant or for filing claims against MDOC. In addition, plaintiff was found guilty of the major misconduct. Plaintiff's objections do not add anything new for the court to consider.

IT IS ORDERED that the magistrate judge's report and recommendation is ACCEPTED.

IT IS FURTHER ORDERED that summary judgment is GRANTED for defendant.

SO ORDERED.

Dated: August 3, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon parties/attorneys of
record on
August 3, 2010, by electronic and/or ordinary mail.

S/Marcia Beauchemin
Deputy Clerk